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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,244	12/31/2003	Min-Seok Choi	P24738	6998
	7590 03/13/2007 [ & BERNSTEIN, P.L.C.		EXAMINER	
1950 ROLAND	CLARKE PLACE		STORMER, RUSSELL D	
RESTON, VA	20191		ART UNIT	PAPER NUMBER
			3617	
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE	
3 MO	NTHS	03/13/2007	ELECTRONIC	

## Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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	Application No.	Applicant(s)			
	10/748,244	CHOI, MIN-SEOK			
Office Action Summary	Examiner	Art Unit			
	Russell D. Stormer	3617			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period or Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1)⊠ Responsive to communication(s) filed on 16 Ja     2a)⊠ This action is FINAL. 2b)□ This     3)□ Since this application is in condition for allowal closed in accordance with the practice under E	s action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) ⊠ Claim(s) 1-3 and 5-10 is/are pending in the ap 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 1-3,5-10 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	wn from consideration.	*			
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposed and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine 11.	epted or b) objected to by the drawing(s) be held in abeyance. Settion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate			

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## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tronville (previously cited; newly applied).

Tronville discloses a torsion beam axle suspension comprising left and right trailing arms 14, a torsion beam 12 coupled between the trailing arms, a wheel connector 50 provided on each trailing arm, and a shock absorber mount provided in the outermost end 14a of the trailing arms. As shown best in figures 2 and 4, the shock absorber 54 is mounted to the support or mount 52 inside of the outermost end 14a of the trailing arms, and rearward of the wheel connector 50.

# Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tronville in view of MacIsaac.

Tronville meets all of the limitations of claims 1, 5, and 8 as set forth in paragraph 2 above, but the shock absorber is not shown.

MacIsaac (previously applied) teaches a suspension assembly including a shock absorber. In figures 10 and 11 the connection between the axle and the shock absorber is in the form of a ball joint 250, including a ball stud and a socket. From this teaching it would have been obvious to provide the trailing arm suspension of Tronville with a shock absorber having a ball and socket joint as this would allow a wide range of movement (such as movement in more than one plane) between the shock absorber and the axle.

6. Claims 3, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tronville in view of MacIsaac as applied to claims 2, 6, and 9 above, and further in view of Molenaar.

It is clear that the ball joint 250 of MacIsaac as applied to the trailing arms of Tronville would include a socket and a ball stud, but details of the ball and socket joint are not shown.

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Molenaar teaches a ball and socket joint comprising a socket 3 bored with at least one hole to receive a fastener 20, and a ball stud 21 fitted in the socket. From this teaching it would have been obvious for the ball joint of Tronville as modified by MacIsaac to comprise a ball stud fitted in a socket for pivotal movement, and the socket having at least one bore for receiving a fastener so that the socket could be fastened to the axle assembly.

#### Response to Arguments

7. Applicant's arguments with respect to claims 1-3 and 5-10 have been considered but are most in view of the new grounds of rejection.

Applicant has amended the specification to describe the mount (4a) as being provided inside of the outermost end of the trailing arms, and has referenced figure 2 as showing this. The "outer most" end of the trialing arms is not specifically pointed out in the specification and is not referenced with a reference character in the drawings, and the specification is silent as to whether "inside of" refers to the mount being spaced from the end, or being laterally inside of the trailing arms, or being inside a longitudinal end portion of the trialing arms. It should be noted that the lead line for reference character 4a points to a portion of the trailing arm near the rear end.

Claims 1, 5, and 8 claim the mount as being provided or formed inside of the outermost end of the trailing arms, but are silent as to what is meant by "inside of."

Absent any clear definition of the term "inside of," this term is open to interpretation, and

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can reasonably be interpreted as meaning "inside of the longitudinal dimension of the trailing arms.

It is submitted that the support or shock absorber mount 52 of Tronville is provided inside of the outermost end 14a of the trailing arms, as shown in figures 2 and 4, inasmuch as the in the longitudinal dimension of the trailing arms, the mount 52 is located somewhere within the ends, near but spaced from the rear end 14a, and is therefore "inside of" the outermost end 14a.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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3/7/07

RUSSELL D. STORMER 3/
PRIMARY EXAMINER 2/